

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COLBY GOROG, JOSHUA FLINT, LOUIS
ROBINSON, and MICHAEL LERRO,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

ELON MUSK and TESLA, INC.,

Defendants.

Civil Action No.: 1:22-cv-05037-AKH

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
SCHEDULE**

Plaintiffs Colby Gorog, Joshua Flint, Louis Robinson, and Michael Lerro, individually and on behalf of all others similarly situated (“Plaintiffs”), by and through their undersigned counsel, and Defendants Elon Musk and Tesla, Inc. (“Defendants”), by and through their undersigned counsel, hereby stipulate and agree as follows.

WHEREAS, Defendants moved to dismiss the Third Amended Class Action Complaint (“Third Amended Complaint”) on August 7, 2023 (Dkt. Nos. 94-95);

WHEREAS, Plaintiffs filed an opposition to the motion to dismiss together with a cross-motion to file a Fourth Amended Class Action Complaint (“Fourth Amended Complaint”) (Dkt Nos. 96-98);

WHEREAS, Defendants filed a reply in support of their motion to dismiss the Third Amended Complaint together with an opposition to Plaintiffs’ cross-motion to file a Fourth Amended Complaint (Dkt Nos. 99-101);

WHEREAS, Plaintiffs filed a reply in support of their cross motion to file a Fourth Amended Complaint (Dkt No. 102);

WHEREAS, the Court granted Defendants’ motion to dismiss without prejudice to file a Fourth Amended Complaint and ordered the parties to submit a stipulated briefing schedule by December 14, 2023 (Dkt. No. 103);

WHEREAS, the parties have conferred and agreed to a schedule for the filing of Plaintiffs’ Fourth Amended Complaint and Defendants’ motion to dismiss the Fourth Amended Complaint, which accounts for the upcoming holidays and related scheduling conflicts;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court’s approval:

1. Plaintiffs will file a revised Fourth Amended Complaint, in accordance with the Court's order, by January 24, 2024;
2. Defendants will move to dismiss or otherwise respond to the Fourth Amended Complaint sixty days after Plaintiffs file the Fourth Amended Complaint;
3. Plaintiffs will file an opposition to any motion to dismiss within sixty days of receipt of Defendants' motion to dismiss;
4. Defendants will file any reply to Plaintiffs' opposition within forty-five days of receipt of Plaintiffs' opposition;
5. All rights, claims, and defenses, including with respect to personal jurisdiction and venue, are preserved by all parties.

DATED: New York, New York
December 11, 2023

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*Attorneys for Defendants Elon Musk
and Tesla, Inc.*

SO ORDERED.

DATED: _____

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/s/ Evan Spencer

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Hon. Alvin K. Hellerstein
U.S. District Judge